

1 NATHAN M. JENKINS (560)
JERRY C. CARTER (5905)
2 JENKINS & CARTER
501 Hammill Lane
3 Reno, NV 89511-1004
Telephone: (775) 829-7800

4 Attorneys for Defendants

5
6 UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF NEVADA
8

9 DIVERSIFIED CONCRETE CUTTING, INC., a
Nevada corporation,

Case No. 3:10-cv-00526-RCJ-WGC

10 Plaintiff,

11 vs.

**STIPULATION AND ORDER RE
PROTECTED HEALTH
INFORMATION**

12 TRUSTEES of the NORTHERN NEVADA
13 OPERATING ENGINEERS HEALTH &
WELFARE TRUST FUND, JOHN MADOLE and
14 RUSSELL BURNS; TRUSTEES of the
OPERATING ENGINEERS AND
15 PARTICIPATING EMPLOYERS
PREAPPRENTICE, APPRENTICE, AND
16 JOURNEYMAN AFFIRMATIVE ACTION
TRAINING FUND FOR NORTHERN NEVADA,
17 JOHN MADOLE and RUSSELL BURNS; THE
NEVADA CONSTRUCTION INDUSTRY
18 PROMOTION BUREAU, INC., a Nevada non-
profit corporation; THE NORTHERN NEVADA
19 OPERATING ENGINEERS CONTRACT
COMPLIANCE FUND, INC., a Nevada non-profit
20 corporation; TRUSTEES of the OPERATING
ENGINEERS PENSION TRUST FUND, GIL
21 CROSTHWAITE and RUSSELL BURNS;
TRUSTEES of the OPERATING ENGINEERS
22 VACATION AND HOLIDAY PAY PLAN, GIL
CROSTHWAITE and RUSSELL BURNS;
23 TRUSTEES of the OPERATING ENGINEERS
PENSIONED OPERATING ENGINEERS
24 HEALTH & WELFARE TRUST FUND, GIL
CROSTHWAITE and RUSSELL BURNS; AND
25 DOE DEFENDANTS I through X, inclusive,

26 Defendants.
27 _____ /
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JENKINS & CARTER

ATTORNEYS AT LAW

501 Hammill Lane

Reno, Nevada 89511-1004

(775) 829-7800 Fax (775) 829-0511

1 **WHEREAS**, this matter involves documents containing certain protected health information
 2 regarding past and present employees of Plaintiff Diversified Concrete Cutting, Inc. with respect to
 3 whom a refund of contributions is sought by Diversified from defendant Trustees of the Northern
 4 Nevada Operating Engineers Health & Welfare Trust Fund (the “Health & Welfare Trust Fund”); and

5 **WHEREAS**, 45 CFR § 164.512(e) provides that protected health information may be
 6 disclosed subject to Court order in a judicial and administrative proceeding; and

7 **WHEREAS**, the parties and their counsel have agreed to the entry of a Court Order
 8 providing for disclosure of the documents described below in accordance with the protections
 9 described below;

10 **NOW THEREFORE, IT IS HEREBY STIPULATED** by and between the Parties,
 11 through their respective counsel of record, that the following procedures shall apply to all
 12 information, materials, or things designated as “Confidential” in the above-captioned matter
 13 (“Discovery”):

14 1. All documents discussed in this Stipulation and Order are hereby designated
 15 “Confidential” and shall be subject to the protections set forth in the Stipulated Protective Order and
 16 Confidentiality Agreement (#43) entered April 2, 2012.

17 2. In addition to the protections set forth in the Stipulated Protective Order and
 18 Confidentiality Agreement (#43), the following additional protections shall apply:

19 A. Reports entitled “Claim History Reference List-Family Claims, including
 20 documents labeled D 2386 to D 2536: These documents shall be reviewed only by counsel for the
 21 parties and designated experts; they shall not be shown to any officers, directors, or employees of
 22 Diversified Concrete Cutting, Inc. Social security numbers and the names of past and present
 23 employees and their eligible dependents who received benefits are redacted. In place of the past or
 24 present employee name, a letter code (employee A through employee O) is provided. The month and
 25 year of covered services is provided, but the specific date of service is redacted.

26 B. Reports totaling claims paid by the Health & Welfare Trust Fund, including
 27 documents D 1883 and D 2603: D 1883 totals claims paid for the benefit of employees who are the
 28 subject of Diversified’s refund request and their eligible dependents with respect to the specific

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1 months for which a refund is requested while D 2603 totals claims paid for the benefit of employees
 2 who are the subject of Diversified's refund request and their eligible dependents with respect to all
 3 hours reported and paid from January 1, 2002 through December 31, 2008. These documents shall
 4 be reviewed only by counsel for the parties and designated experts; they shall not be shown to any
 5 officers, directors, or employees of Diversified Concrete Cutting, Inc. In place of the past or present
 6 employee name, a letter code (employee A through employee O) is provided. The letter codes
 7 correspond to the letter codes used for the reports entitled "Claim History Reference List -Family
 8 Claims."

9 C. Reports entitled Transaction History Hours, including documents labeled D 2537
 10 to D 2567: These documents shall be reviewed only by counsel for the parties and designated
 11 experts; they shall not be shown to any officers, directors, or employees of Diversified Concrete
 12 Cutting, Inc. Past and present employee names are provided but social security numbers are
 13 redacted.

14 D. Health & Welfare Trust Fund Enrollment Cards / Change of Address Forms and
 15 / or Employee Maintenance Reports, including documents labeled D 2568 to D 2601: These
 16 documents shall be reviewed only by counsel for the parties and designated experts; they shall not
 17 be shown to any officers, directors, or employees of Diversified Concrete Cutting, Inc. Past and
 18 present employee names and addresses are provided but the first five digits of social security
 19 numbers are redacted. Phone numbers and first names of dependents and beneficiaries are also
 20 redacted.

21 E. Report Totaling Stop Loss, Life Insurance, and other Premiums, including
 22 documents labeled D 2604 to D 2605: This report is labeled "Confidential."

23 F. Reports entitled Operating Engineers Health And Welfare Eligibility Report,
 24 including documents labeled D 1464 to D 1538 and D 2316 to D 2385: These documents shall be
 25 reviewed only by counsel for the parties and designated experts; they shall not be shown to any

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1 officers, directors, or employees of Diversified Concrete Cutting, Inc. All social security numbers
2 are redacted. Also, the names of employees who are not the subject of the refund claim are redacted.


3 DATED this 20th day of June, 2012.

4 JENKINS & CARTER
5 Attorneys for Defendants

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7 By: 
8 NATHAN M. JENKINS
9 JERRY C. CARTER
501 Hammill Lane
Reno, Nevada 89511-1004

10 DATED this 20th day of June, 2012.

11 LAW OFFICES OF MICHAEL B. SPRINGER, PC
12 Attorneys for Plaintiff

13
14 By: 
15 MICHAEL B. SPRINGER (NV Bar 1948)
16 JOHN D. MOORE (NV Bar 8581)
17 9628 Prototype Court
18 Reno, NV 89521

JENKINS & CARTER
ATTORNEYS AT LAW
501 Hammill Lane
Reno, Nevada 89511-1004
(775) 829-7800 Fax (775) 829-0511

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20 **ORDER**

21 IT IS SO ORDERED.

22 DATED this 22nd day of June, 2012.

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24 
UNITED STATES MAGISTRATE JUDGE